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TESTIMONY OF ATTORNEY JAMES BHANDARY-ALEXANDER IN SUPPORT OF
Raised H.B. No. 5527, an Act Concerning a Domestic Worker Bill of Rights.

Good Afternoon, Senator Holder-Winfield, Representative Tercyak, and Committee members. My name is James Bhandary-Alexander. I am an attorney at New Haven Legal Assistance. Our agency represents low-income people throughout New Haven County, including in the Lower Naugatuck Valley and the shoreline. My job at New Haven Legal Assistance is to represent low-wage workers, and it is in that capacity that I am here to testify in support of Raised H.B. No. 5527, an Act Concerning a Domestic Worker Bill of Rights.

I want to tell you about my clients Claudia and Maria, both from New Haven. These two women worked providing care and household services to an elderly couple. They were paid weekly. All of the sudden, they stopped being paid. The couple's daughter, who was in charge of the family finances, assured Claudia and Maria they would get paid next week. Next week became six weeks. Eventually Claudia and Maria had to stop working, despite being terrified of what would happen to the couple without their care. They came to see me quickly – but the bills piled up. Foreclosure proceedings were initiated against Claudia. Maria, who was Claudia's tenant, was also staring homelessness in the face. Many months later, our office was able to obtain their unpaid wages in a settlement agreement. I believe it took so long to reach that settlement because the employer's lawyer couldn't understand whether Claudia and Maria were protected by any law at all.

And if you look at the minimum wage statute's current definition of "employee," it's easy to see the reason for the confusion. Only "employees" are entitled to minimum wage and overtime. The statute currently states that domestic workers are not employees unless they are domestic workers. Here's what I mean. The statute says:

"Employee" means any individual employed or permitted to work by an employer but shall not include any individual employed...in domestic service in or about a private home, except any individual in domestic service employment as defined in the regulations of the federal Fair Labor Standards Act.¹ Conn. Gen. Stat § 31-58(e).

¹ The regulations of the Fair Labor Standards Act, referred to by the Connecticut statute, contain an extremely expansive definition of "domestic service employment":

The definition of domestic service employment contained in § 552.3 is derived from the regulations issued under the Social Security Act (20 CFR 404.1057) and from "the generally accepted meaning" of the term. Accordingly, the term includes persons who are frequently referred to as "private household workers." See S. Rep. 93-690, p. 20. The domestic service must be performed in or about the private home of the employer whether that home is a fixed place of abode or a temporary dwelling as in the case of an individual or family traveling on vacation. A separate and distinct dwelling maintained by an individual or a family in an apartment house, condominium or hotel may constitute a private home.

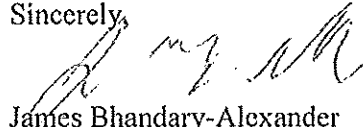
To be clear, the legislature intended this language to fold domestic workers into minimum wage and overtime protections. But this language creates understandable confusion and would be entirely removed under the H.B. 5527. This is one reason why this bill would be so important – it makes it clear that work done in a home is still work, and needs to be compensated.

But that is not all. I had another domestic worker from New Haven, Dorothy, come to my office for help after being verbally assaulted by her employer, who fired after calling her a prostitute and a bitch. I had to inform her that as the law stands now, she could not successfully file a complaint with the CHRO because she is excluded from discrimination and harassment protections. That is an outrageous thing for a victim like Dorothy to hear. But here's why it's true.

Only workers defined as "employees" are protected by anti-discrimination laws. Currently, the Connecticut Fair Employment Practices Act excludes "any individual employed... in the domestic service of any person." Conn. Gen. Stat. § 46a-51(9). H.B. 5527 would remove that exception. The passage of this bill would mean that people in Dorothy's position have somewhere to turn.

Excluding domestic workers from basic workplace protections makes no sense. Protecting domestic workers from predictable abuses – thereby ensuring basic human rights - is just common sense.

Sincerely,



James Bhandary-Alexander
New Haven Legal Assistance